

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LINDA A. MEYERS,

Plaintiff,

v.

AMENDED
ORDER
07-CV-339

MICHAEL J. ASTRUE
Commissioner of Social Security,

Defendant.

This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1). On November 13, 2007, defendant filed a motion for judgment on the pleadings. On April 17, 2008, plaintiff filed a response that constituted its own motion for judgment on the pleadings. On November 2, 2009, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendant's motion be denied, plaintiff's motion be granted and the matter remanded for calculation of benefits.

Defendant filed objections to the Report and Recommendation on November 17, 2009. Oral argument on the objections was held on January 6, 2010.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which

objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendant's motion is denied, plaintiff's motion is granted and the matter is remanded for calculation of benefits.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: February 12, 2010